

Translation

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PATENT COOPERATION TREATY

PCT/EP2003/008023



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IP 4537B PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/008023	International filing date (day/month/year) 23 July 2003 (23.07.2003)	Priority date (day/month/year) 21 August 2002 (21.08.2002)
International Patent Classification (IPC) or national classification and IPC B60R 25/04		
Applicant AUDI AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 March 2004 (17.03.2004)	Date of completion of this report 04 January 2005 (04.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/008023

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-8 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-9 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/2-2/2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/ or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/08023

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4, 8, 9	YES
	Claims	1-3, 5-7	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D2: DE-A-19723332

2. NOVELTY

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-3 and 5-7 is not novel within the meaning of PCT Article 33(2).

a) D2 discloses (the references in parentheses are to this document) a process for protecting a control device (1) for at least one motor vehicle component from interference (see column 2, lines 33-35), said control device comprising at least a microcomputer (1) and at least a memory chip (3, 4, 5), wherein the code required to operate the control device (1) is subdivided into at least one master code (see column 2, lines 35-37; minimum program and control programs for the engine in memory 3), which comprises information essential to the function of the control device (1), and at least one subcode (see column 2,

lines 37-42; data and additional program modules in memory 5), which comprises further information for operating the control device (1), wherein at least the master code is stored in the microcomputer (1) and the master code monitors interference with the subcode (see column 2, lines 54-59).

The subject matter of claim 1 is therefore not novel.

- b) In the process known from D2 the master code is stored in a read-only, write-once area (3) of the microcomputer (1). The subject matter of claim 2 is therefore not novel.
- c) In the process known from D2 the subcode is stored in a rewritable area (5) of the microcomputer (1). The subject matter of claim 3 is therefore not novel.
- d) D2 likewise discloses a control device (1) for a motor vehicle component (see column 2, lines 33-35) comprising at least a microcomputer (1) and at least a memory chip (3, 4, 5), wherein the code required to operate the control device (1) is subdivided into at least one master code (see column 2, lines 35-37; minimum program and control programs for the engine in memory 3), which comprises information essential to the function of the control device (1), and at least one subcode (see column 2, lines 37-42; data and additional program modules in memory 5), which comprises further information for operating the control device (1), and at least the master code

is stored in the microcomputer (1) and the master code (MC) contains a software functional module (inspection program in read-only memory 3) for detecting interference in the subcode. The subject matter of claim 5 is therefore not novel.

e) In the control device known from D2 the master code is stored in a read-only, write-once area (3) of the microcomputer (1). The subject matter of claim 6 is therefore not novel.

f) In the control device known from D2 the subcode is stored in a rewritable area (5) of the microcomputer (1). The subject matter of claim 7 is therefore not novel.

3. INVENTIVE STEP

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 4, 8 and 9 does not involve an inventive step within the meaning of PCT Article 33(3).

a) The features of claims 4, 8 and 9 are only some of the many obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to store the subcode, without thereby being inventive.

The subject matter of claims 4, 8 and 9 cannot, therefore, be considered to involve an inventive step.